

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**DENNIS JACOBS**  
CHIEF JUDGE

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Date: June 22, 2010  
Docket #: 10-1372 cv  
Short Title: Barclays Capital Inc. v. Theflyonthewall.com, Inc.

DC Docket #: 06-cv-4908  
DC Court: SDNY (NEW YORK CITY)  
DC Judge: Cote Gorenstein

**NOTICE OF DEFECTIVE FILING**

On 06/21/2010 the Notice of Appearance for Robert LoBue was submitted in the above referenced case.

The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- ☐ Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*)
- ☐ Failure to file the Record on Appeal (*FRAP 10, 11*)
- ☐ Missing motion information statement (*T-1080 - Local Rule 27.1*)
- ☐ Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- ☐ Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- ☐ Improper proof of service (*FRAP 25*)
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  - ☐ Served to an incorrect address
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- ☐ Defective cover (*FRAP 32*)
  - ☐ Incorrect caption (*FRAP 32*)
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- ☒ Other: Letter confirming the brief is on consent missing. If not on consent, a motion is required.

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Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Please direct all inquiries regarding this case to the undersigned.

Erin Murphy, Deputy Clerk  
Telephone Number: 212-857-8573